

A.F.R.

165

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No.3039/2005

CORAM: Hon'ble Shri S.R.Nayak, Chief Justice &
Hon'ble Shri D.R.Deshmukh, J.

PETITIONER : D.S.Sharma, S/o Late Shri Hari Ram
Sharma, Aged about 78 years, Retired
Lecturer, Govt. Multipurpose, H.S.School,
Bilaspur, R/o. C/o Shailesh Book Depot,
Madhya Nagari Chowk, Masanganj,
Bilaspur, Tahsil and Dist. Bilaspur (C.G.)

RESPONDENTS: : Versus
1. State of Chhattisgarh, Through its Secretary,
Department of School Education,
Mantralaya, D.K.S.Bhawan, Raipur (C.G.)
: 2. Director, Public Instructions, Chhattisgarh,
Raipur (C.G.)
: 3. Joint Director of Education, Bilaspur
Division, Bilaspur (C.G.)

Shri Ashish Shrivastava, learned counsel for the petitioner.
Shri Utkarsh Verma, Dy. Govt. Advocate for the State.

ORAL ORDER

(Passed on 02.08.2006)

The following oral order of the Court was passed by S.R.NAYAK,
C.J.

This writ petition is directed against the Order of the M.P.
Administrative Tribunal, Jabalpur (for short the Tribunal) dated 18.5.1999
passed in Original Application No.739/1988 whereby and whereunder the
Original Application filed by the petitioner herein assailing the order of the
State of Chhattisgarh dated 02.08.1986 has been dismissed holding that
the claim is barred by limitation. The correctness of the said opinion is
contested in this Petition filed under Articles 226 & 227 of the Constitution
of India.

2. This case need not detain the Court for long. The facts are startling and are totally against the petitioner. The petitioner was initially appointed as Assistant Food Procurement Inspector in the Government service vide order dated 17.04.1949. Later on, the said post of Assistant Food Procurement Inspector was abolished and all the Assistant Food Procurement Inspectors of the Food Department were declared surplus. However, the Government of C.P. and Berar taking compassionate view of the matter evolved a scheme vide Circular dated 30.09.1953 to absorb the services of those Assistant Food Procurement Inspectors in various Departments of the Government in class-III executive post. Accordingly, the petitioner was absorbed in the School Education Department as Lower Division Teacher w.e.f. 8.10.1954 vide order dated 28.09.1954. It appears that the petitioner without any protest and demur accepted that post and worked as such for more than 31 years. At the fag end of his service, it appears that he made a representation to the Government that his services ought to have been absorbed as Assistant District Inspector of Schools (A.D.I.S.). It was contended that similarly circumstanced certain others were absorbed in the post of A.D.I.S. and the Government ought not to have made discrimination in the matter of absorption of services of erstwhile Assistant Food Procurement Inspectors. The request of the petitioner was turned down by the Government vide order dated 2.8.1986. Feeling aggrieved by the said Order, the petitioner filed Original Application No.739/1988. The O.A. was contested by the Government. Among other grounds, it was contested on the ground of inordinate delay and laches and barred by limitation. The Tribunal having noted the fact that though the services of the petitioner were absorbed as Lower Division Teacher as far as back on 8.10.1954, he made the representation for the first time in the year 1986 and therefore, the claim brought before the

Tribunal by the petitioner is hopelessly barred by limitation, dismissed the Original Application by the impugned order.

3. We have absolutely no good ground or reason to take exception to the discretion exercised by the Tribunal. It is well settled that the Tribunal and this Court can decline relief to a party who has slept over his right and is not diligent in pursuing legal remedies. The law helps the vigilant and not the indolent. Even assuming that the petitioner's services ought to have been absorbed as A.D.I.S. in the year 1954 and not as Lower Division Teacher, even then, at this distance of time his claim cannot be countenanced and no relief can be granted.

4. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge